

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HIGGINS FAMILY TRUST, ET AL.,

Plaintiffs,

-against-

ANTONY BLINKIN, ET AL.,

Defendants.

22-CV-9714 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated November 16, 2022, the Court directed Plaintiff, within thirty days, to submit a completed request to proceed *in forma pauperis* (“IFP application”) or pay the \$402.00 in fees required to file a civil action in this court. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an IFP application or paid the fees. Instead, he raises various objections, none of which can be sustained. Accordingly, the complaint is dismissed without prejudice for Plaintiffs failure to comply with the Court’s order. *See* 28 U.S.C. §§ 1914, 1915.¹

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue). Judgment shall issue.

Dated: December 19, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

¹ *See United States v. Rodgers*, 101 F.3d 247, 252 (2d Cir. 1996) (deeming a notice of appeal from a nonfinal order to be “premature” and a “nullity,” and holding that it did not divest the district court of jurisdiction).